

REMARKS

Claims 1-19 are pending in this application. Claims 1, 2, 9, 12, and 18 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

While Applicants disagree with the broad grounds of rejection presented in the Office Action, the independent claims have been amended in order to expedite prosecution on the merits.

In particular, independent claim 1 has been amended to recite “creating a modification signal, based on a change in said power level of said power supply, to modify an operating power level of at least one of said plurality of devices from a first operating power level to a second operating power level, said second operating level based on an amount of change in said power level and said priority factor.”

Independent claim 9 has been amended to recite “receiving a modification signal, based on a change to a power level of a power supply, to modify an operating power level for a device of a plurality of devices connected to a power supply from a first operating power level to a second operating power level, said second operating level based on an amount of change in said power level and a priority factor of said device.”

Independent claim 12 has been amended to recite “a system power modification unit connected to said power supply and said plurality of devices, said power modification unit to detect a change in said power supply power level and to modify said operating power level of at least one of said plurality of devices from a first operating

power level to a second operating power level, said second operating level based on an amount of change in said power level and a priority factor of said device.”

Independent claim 18 has been amended to recite “creating a modification signal, based on said change in said power level, to modify an operating power level of at least one of said plurality of devices from a first operating power level to a second operating power level, said second operating level based on an amount of change in said power level and said priority factor, and sending said modification signal to said at least one of said plurality of devices.”

35 U.S.C. § 103(a) Rejection

Claims 1-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number (USPN) 6,266,776 to Sakai (“Sakai”) in view of USPN 6,574,740 to Odaohhara et al. (“Odaohhara”). Applicants respectfully traverse the rejection.

As noted in the Office Action, Sakai does not teach a device having more than one operating power level. To remedy this deficiency, the Office Action relies on Odaohhara. While Odaohhara arguably teaches changing operating modes of a CPU, such changes are based solely on a comparison of the sum of actual power consumption of base loads and the maximum power consumption of the CPU (P_{max}) to a reference power value. For example, Odaohhara discloses at column 10, lines 18-25:

If, at block 215, actual power consumption of the base loads as shown by the area 101 increases and, thus, the P_{max} exceeds the reference power value U_1 , then the CPU 13 is changed to the operation mode 2, and the process proceeds to block 217 for causing the P_{max} to be

decreased. Unless the Pmax exceeds the reference power value U1 at block 215, the CPU 13 continues to run in the operation mode 1.

Applicants submit that neither Sakai nor Odaohhara teaches modify an operating level from a first operating power level to a second operating power level based on an amount of change in the power level of a power supply and a priority factor of a device. As such, even if Sakai could be combined with Odaohhara, which Applicants do not admit, such combination fails to teach or suggest all of the features of amended independent claims 1, 9, 12, and 18 and thus is insufficient to establish a *prima facie* case of obviousness with respect to the independent claims. Moreover, Applicants submit that there is no motivation to combine and/or modify the teachings of Sakai and Odaohhara.

According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *See* MPEP 706.02(j). Applicants remind the Examiner that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See e.g.*, MPEP § 2143.03.

For at least the reasons set forth above, Applicants submit that the amended independent claims are non-obvious and represent patentable subject matter in view of

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the cited references, whether taken alone or in combination. Accordingly, removal of the § 103(a) rejection of claims 1-19 is requested.

It is believed that claims 1-19 are in allowable form, and a timely Notice of Allowance to this effect is earnestly solicited.

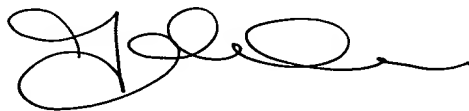
Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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10/05/05
Date

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